

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**ENVOY CORPORATION and FEDERAL
INSURANCE COMPANY,**

Plaintiffs,

v.

QUINTILES TRANSNATIONAL CORP.

Defendant.

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No. 3:03cv0539

Senior Judge Thomas A. Wiseman, Jr.

ORDER

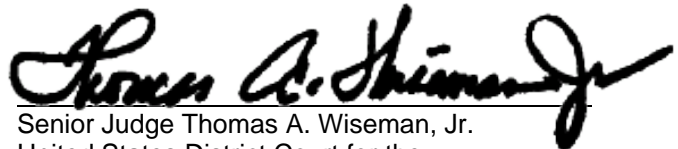
Before the Court are two motions for summary judgment: one filed by Plaintiffs Envoy Corporation ("Envoy") and Plaintiff Federal Insurance Company ("Federal") (collectively, "Plaintiffs") (contained in same document as motion for summary judgment, Doc. No. 17), the other filed by Defendant Quintiles Transnational Corporation ("Quintiles") (Doc. No. 25).¹ Both Plaintiffs and Defendant have submitted memoranda of law and supplemental briefing in support of their motions. The matter having been fully briefed, the Court heard oral argument on all pending motions on April 18, 2006 and the motions were taken under advisement.

For the reasons set forth in the accompanying Memorandum, the Court finds that Federal is entitled to contractual subrogation to Envoy's claims against Quintiles and Federal is therefore entitled to judgment as a matter of law as subrogee to Envoy's claims for breach of contract. Accordingly, the Court, hereby **DENIES** in part Defendant Quintiles' Motion for Summary Judgment as it pertains to claims by Plaintiff Federal, and **GRANTS** in part Quintiles' Motion as it pertains to claims by Plaintiff Envoy (Doc. No. 25). Therefore, the Court hereby **DENIES** as **MOOT** Plaintiff Envoy's Motion for Summary Judgment (Doc. No. 17) and **GRANTS** Plaintiff Federal's Motion for Partial-Summary Judgment (Doc. No. 17). The Court will award judgment in favor of Federal Insurance Company for the amount of the costs incurred by Federal to defend and settle the Envoy Securities Litigation, plus appropriate interest thereon.

¹Defendant Quintiles' motion was originally styled as a Motion to Dismiss and was converted to a Motion for Summary Judgment by Court Order pursuant to Fed. R. Civ. P. 12(b) on October 24, 2005 (Doc. No. 58).

Accordingly, the Court hereby instructs the parties to consult with each other and reach an agreement as to the appropriate amount of damages, and to advise the Court as to such amount on or before **5:00 p.m. on Friday, May 19, 2006**. In the event the parties are unable to reach an agreement as to the appropriate amount of damages, each party shall submit a separate statement as to the appropriate amount of damages to the Court on or before the above date. Thereafter, a final Order of Judgment will enter.

It is so **ORDERED**.

A handwritten signature in black ink, appearing to read "Thomas A. Wiseman, Jr.", written over a horizontal line.

Senior Judge Thomas A. Wiseman, Jr.
United States District Court for the
Middle District of Tennessee